

EXHIBIT C

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ADJUSTACAM, LLC,)
)
Plaintiff,)
) CIVIL ACTION
vs.) NO.
) 6:10-CV-329-LED
AMAZON.COM, INC., ET AL,)
)
Defendants.)

ORAL DEPOSITION OF

CLAYTON HAYNES

(DESIGNATED HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY)

August 30th, 2012

ANSWERS AND DEPOSITION of CLAYTON HAYNES,
taken at the instance of the Defendants, on the 30th
day of August AD 2012 in the above styled and numbered
cause at the offices of United American Reporting
Services, Inc., 1201 Elm Street, Suite 5220 in Dallas,
Dallas County, Texas, before David B. Jackson, RDR, a
Certified Shorthand Reporter in and for the State of
Texas, pursuant to the Federal Rules of Civil Procedure
and the provisions stated on the record.

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1 connection with litigation?

2 A. I was -- I'm sorry.

3 MR. EDMONDS: Go ahead.

4 A. I would need to take a look at it to refresh
5 my memory.

6 Q. (BY MR. HEBERHOLZ) Okay. Aside from the
7 Chicony settlement agreement, are you aware of any
8 other settlement agreements involving AdjustaCam or
9 license agreements that were negotiated outside of
10 litigation?

11 A. Well, again, in connection with my preparation
12 I didn't seek to separate them out between the two, so
13 I -- in order to -- to address your question I would
14 need to thumb through the agreements to see. I just
15 didn't make mental note of whether they were broken out
16 between settlement versus license or either.

17 Q. You said that AdjustaCam engages in licensing,
18 enforcement and protection from unauthorized use of its
19 intellectual property; is that right?

20 A. I believe that's how I described its business.

21 Q. Okay. Let's talk about enforcement. Does
22 enforcement mean litigation?

23 A. Again, I'm not an attorney. I believe one
24 aspect of enforcement is -- is that you may be required
25 to -- to file litigation with respect to alleged

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1 infringement.

2 Q. Has AdjustaCam taken any enforce- --
3 enforcement actions with regard to the '343 Patent or
4 any patents that don't involve litigation?

5 MR. EDMONDS: Objection, scope.

6 A. Again, all those types of matters are handled
7 by external counsel, so I don't believe I can testify
8 with respect to an answer to that question.

9 Q. (BY MR. HEBERHOLZ) And you also mentioned
10 protecting from unauthorized use of its intellectual
11 property. Can you give me an example of a time when
12 AdjustaCam has taken efforts to protect the '343 Patent
13 from unauthorized use that did not involve litigation?

14 A. Again, those matters are handled by external
15 counsel and I didn't undertake, you know, a search for
16 information with respect to the answer to that
17 question.

18 Q. When we were looking through the AdjustaCam
19 settlement agreements today, Mr. Haynes, there were a
20 number of officers of AdjustaCam that signed those
21 agreements. Do you recall that generally?

22 A. I do.

23 Q. Okay. I have listed a Paul Ryan as being a
24 CEO of AdjustaCam. Dooyong Lee also being a CEO of
25 AdjustaCam. I have you signing agreements as the chief

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1 financial officer of AdjustaCam. And then I saw at
2 least one of the agreements where Mr. Harris signed as
3 the president of AdjustaCam.

4 Aside from those four individuals, are
5 you aware of any other individuals that have served as
6 an officer of AdjustaCam?

7 A. I'm not aware of any other individuals.

8 Q. I believe this morning you testified that
9 AdjustaCam does not have a research and development
10 facility.

11 A. Correct.

12 Q. Does AdjustaCam have any plans to build a
13 research and development facility?

14 A. Not to my knowledge.

15 Q. Does AdjustaCam have any plans to design
16 products?

17 A. Not to my knowledge.

18 Q. Does AdjustaCam have any plans to sell
19 products?

20 A. Not to my knowledge.

21 Q. Does AdjustaCam employ any engineers?

22 A. AdjustaCam does not.

23 Q. AdjustaCam's office you said was in Frisco,
24 Texas?

25 A. I believe so.

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1 Q. Is there any equipment in that office?
2 Computers, for example?

3 MR. EDMONDS: What topic is that under,
4 counsel?

5 MR. HEBERHOLZ: That's topic number 18.

6 MR. EDMONDS: Of what equipment they have
7 in their office?

8 MR. HEBERHOLZ: Yeah. All business they
9 conduct.

10 MR. EDMONDS: Don't answer that.

11 MR. HEBERHOLZ: Are you instructing him
12 not to answer?

13 MR. EDMONDS: Yes, I am.

14 MR. HEBERHOLZ: Again?

15 MR. EDMONDS: Yes, I am.

16 Q. (BY MR. HEBERHOLZ) Are you going to follow
17 your counsel's instructions?

18 A. Yes, I am.

19 Q. Okay. So you're not going to tell me how many
20 computers are in AdjustaCam's office. How many desks
21 are in that office?

22 MR. EDMONDS: Same thing. It's not under
23 a topic. If you can point to a topic, we'll reconsider
24 it, but it's not --

25 MR. HEBERHOLZ: I pointed to topic number

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1 18.

2 Q. (BY MR. HEBERHOLZ) Do you have an AdjustaCam
3 business card?

4 A. I'm sorry. Do --

5 Q. Do you have an AdjustaCam business card?

6 A. Do I have one?

7 Q. Yes.

8 A. I do not.

9 Q. Are you aware of anybody that has a business
10 card from AdjustaCam?

11 MR. EDMONDS: Objection, scope.

12 A. I don't know whether somebody does or does
13 not.

14 Q. (BY MR. HEBERHOLZ) Are there any AdjustaCam
15 e-mail addresses? For example,
16 claytonhaynes@adjustacam.com?

17 MR. EDMONDS: Objection, scope.

18 A. I'm not aware of any e-mail addresses that
19 either do or do not exist.

20 MR. HEBERHOLZ: I'm going to pass the
21 witness. Ezra, do you have any questions?

22 MR. SUTTON: Hold on one second. Just
23 take a two minute break. I just want to go over my
24 notes.

25 MR. EDMONDS: Okay.

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1 AdjustaCam review the complaint before it was filed
2 with the Court?

3 MR. EDMONDS: Objection, scope.

4 A. I believe that was asked earlier today and
5 I'll refer back to my initial testimony.

6 Q. (BY MR. SUTTON) Well, it's a simple yes or
7 no. Could you just repeat it? Give your answer, I
8 mean?

9 MR. EDMONDS: Objection, scope.

10 A. I did not review the complaint and I don't
11 know to what extent anybody did or did not at
12 AdjustaCam, as it was handled by outside counsel.

13 Q. (BY MR. SUTTON) And I'm sorry, I know Dana
14 asked you this question before, but how many people are
15 at AdjustaCam?

16 A. AdjustaCam does not have any employees.

17 Q. Are you an employee?

18 A. Of?

19 Q. AdjustaCam?

20 A. AdjustaCam does not have any employees.

21 Q. So who is your employer?

22 A. I'm employed by Acacia Research Group LLC.

23 Q. Can you explain how AdjustaCam operates
24 without any people working for it?

25 MR. EDMONDS: Objection, scope.

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1 A. Sure. Is there a particular topic that that
2 falls under?

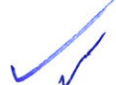
3 Q. (BY MR. SUTTON) I don't know. If you don't
4 want -- if you can't answer the question or don't want
5 to answer the question I guess you could say that on
6 the record, but I think it's a pretty straight forward
7 and simple question about AdjustaCam, the party who is
8 the plaintiff in this case. Are you refusing to answer
9 or you don't know? What's -- what -- what do you want
10 to say?

11 MR. EDMONDS: Objection, scope.
12 Objection to the form of whatever that question was.


13 A. Okay. So if you can do me a favor and just
14 restate the question for me.

15 Q. (BY MR. SUTTON) If AdjustaCam has no 
16 employees how does it operate?


17 MR. EDMONDS: Objection, scope.

18 A. AdjustaCam receives employee services from 
19 Acacia Research Group LLC.

20 Q. What does that mean?

21 A. It means -- it means that there are employees 
22 of Acacia Research Group LLC that provides services to
23 AdjustaCam.

24 Q. Who are those employees of Acacia? 

25 A. It's Acacia Research Group LLC is the entity 

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1 that I identified. ✓

2 Q. Yes. And who are the employees that provide ✓
3 services to AdjustaCam?

4 A. Well, I -- I believe I mentioned earlier a
5 Steve Wong is an employee of Acacia Research Group LLC ✓
6 that has provided services to AdjustaCam. I'm also an
7 employee of Acacia Research Group LLC and I have
8 provided services to AdjustaCam.

9 Q. Anyone else?

10 A. There are individuals that have executed
11 agreements, AdjustaCam agreements. Namely, Paul Ryan,
12 Chip Harris and Dooyong Lee who have provided services
13 to AdjustaCam.

14 MR. SUTTON: I'm sorry, I didn't get
15 those names. Can the reporter read them back to me
16 with the correct spellings?

17 (Record read back.)

18 MR. SUTTON: Okay. I got Paul Ryan. Who
19 was the next person?

20 THE REPORTER: Chip Harris.

21 MR. SUTTON: Chip Harris. And who else?
22 Was there anyone else? In his answer did you get any
23 other names?

24 THE REPORTER: Are we off the record? I
25 can't write and answer questions.

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1 MR. SUTTON: Oh, I'm sorry. Was there
2 anyone else in his answer besides Young Lee?

3 MR. EDMONDS: Why don't you just ask
4 witness? Our court reporter is getting a little
5 frustrated here.

6 Q. (BY MR. SUTTON) All right. Mr. Haynes, the
7 court reporter mentioned Paul Ryan, Chip Harris and
8 Young Lee; is that correct?

9 A. The last individual's name is Dooyong Lee.
10 D-o-o-y-o-n-g, Lee, L-e-e.

11 Q. Okay. Was there anyone else that you
12 mentioned?

13 A. No.

14 Q. So now who -- who at Acacia signed the
15 settlement agreements for AdjustaCam?

16 A. There are -- and -- and again, just to be
17 specific, I indicated that the employee services
18 company is Acacia Research Group LLC, and so
19 individuals that have executed agreements for
20 AdjustaCam are myself, Paul Ryan, Chip Harris and
21 Dooyong Lee.

22 Q. And if I -- tell me if I'm wrong, but my
23 understanding is though that the settlement agreements
24 that you looked today -- looked at today were signed by
25 the party AdjustaCam, correct?

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1 A. A number of the agreements today had as a
2 party to the agreements, AdjustaCam LLC. AdjustaCam
3 LLC.

4 Q. I'm sorry?

5 A. A number of the agreements that I believe we
6 looked at on the record today, one the parties to those
7 agreements was AdjustaCam LLC.

8 Q. And -- and am I correct that the signatory box
9 was signed on behalf of AdjustaCam LLC, correct?

10 A. Based on my recollection, I believe that's
11 correct.

12 Q. And some of the individuals that you just
13 mentioned that executed those agreements in the box
14 that said AdjustaCam LLC, they were employees of Acacia
15 Research LLC, correct?

16 A. Acacia Research Group LLC, correct.

17 Q. Is that correct?

18 A. With the correction that it's Acacia Research
19 Group LLC.

20 Q. All right. Let me repeat the question.

21 Some of the people that you've mentioned
22 earlier signed the settlement agreements on behalf of
23 AdjustaCam, but they were employees of Acacia Research
24 Group LLC, correct?

25 A. Those individuals executed agreements on

✓✓

✓✓

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1 Q. And where do you get your authority to sign a
2 settlement agreement on behalf of AdjustaCam LLC?

3 MR. EDMONDS: Objection, scope.
4 Objection, form.

5 A. Well, again, I'm not an attorney and I'm
6 certainly not a corporate attorney. But I'm an officer
7 of AdjustaCam LLC. ✓

8 Q. (BY MR. SUTTON) But you get no payments for
9 performing those functions -- any functions for
10 AdjustaCam LLC -- AdjustaCam LLC; is that correct? ✓

11 A. Correct. ✓

12 Q. And is that -- is that also true of Paul Ryan,
13 that he does not get any payments from AdjustaCam LLC
14 although he's an officer of AdjustaCam LLC?

15 MR. EDMONDS: Objection, scope.

16 A. Yes. ✓

17 Q. (BY MR. SUTTON) And is that also true of
18 Dooyong Lee, that he performs functions for AdjustaCam
19 LLC and does not get any payment for them? ✓

20 MR. EDMONDS: Objection, scope.

21 A. I'm sorry, any -- I'm sorry. Does not get any
22 payment from AdjustaCam LLC? Is that your question? ✓

23 Q. (BY MR. SUTTON) Yes. ✓

24 A. Correct. Correct.

25 Q. So let me go back and rephrase a question I

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1 asked you earlier, because I didn't realize the
2 relationship between those persons that we've been
3 talking about.

4 Did you or any of the persons that we've
5 just been talking about review the complaint in this
6 case before it was filed with the Court?

7 MR. EDMONDS: Objection, scope.
8 Objection, form.

9 A. I did not review the complaint and I don't
10 know to what extent any of the other individuals did or
11 did not review the complaint. ✓✓

12 Q. (BY MR. SUTTON) Well, do you have any
13 knowledge that Mr. Ryan reviewed the complaint before
14 it was filed with the Court?

15 MR. EDMONDS: Objection, scope.

16 A. I do not know whether he did or did not review
17 the complaint prior to filing.

18 Q. (BY MR. SUTTON) Okay. But sitting here
19 today, you don't have any knowledge that he reviewed
20 the complaint before it was filed with the Court?

21 MR. EDMONDS: Objection, scope.

22 A. Correct. I don't have any knowledge whether
23 he did or did not.

24 Q. (BY MR. SUTTON) And with regard to
25 Mr. Dooyong Lee, do you have any knowledge as to

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1 MR. EDMONDS: Objection, scope.

2 A. Just -- just to be clear, I'm -- you know, I
3 believe I'm testifying on behalf of AdjustaCam. But
4 I'm sorry, can you repeat that last question?

5 Q. (BY MR. SUTTON) Okay. You're testifying on
6 behalf of AdjustaCam, but you have also testified
7 earlier that -- that you are -- you and these other
8 gentlemen are -- are employees of Acacia Research
9 Group, correct? ✓

10 A. Acacia Research Group LLC is the entity. ✓

11 Q. What's the answer to the question?

12 MR. EDMONDS: Objection, scope.

13 A. Well, I was just clarifying that -- that I
14 testified that we were employees of Acacia Research
15 Group LLC. ✓

16 Q. (BY MR. SUTTON) My question was, did any of
17 you participate in gathering evidence regarding the
18 accused products included in this complaint?

19 MR. EDMONDS: Objection, scope.

20 A. I'm sorry, the phrase "any of you," I --

21 Q. (BY MR. SUTTON) Do you want me to repeat the
22 names for you? I can do it.

23 A. Or just clarify who you're referring to.

24 Q. Okay. Did you or Mr. Ryan or Mr. Harris or
25 Mr. Lee participate in gathering evidence on the

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1 just mentioned earlier?

2 MR. EDMONDS: Objection, scope. Can you
3 read back his last answer, please.

4 (Record read back.)

5 Q. (BY MR. SUTTON) Okay. But my question was,
6 do you have any knowledge as a result of your dealings
7 with AdjustaCam and Acacia as to what -- what -- what
8 products were investigated and looked at prior to the
9 filing of the lawsuit?

10 MR. EDMONDS: Objection, scope.

11 A. Yeah, the extent of AdjustaCam's knowledge is
12 that, as I testified earlier, that pre-suit
13 investigation was handled by outside counsel. And then
14 I testified to the products that I was prepared to
15 speak to today at today's deposition. ✓

16 Q. (BY MR. SUTTON) Okay. But my question is --
17 had to do with your knowledge separate and apart from
18 your specific preparation for today's deposition.

19 Do you have any knowledge from the last
20 three years of your involvement with -- well, let me go
21 back.

22 How long have you been involved with
23 AdjustaCam and Acacia?

24 A. I'm sorry, could you clarify what you mean by
25 "Acacia."

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1 Q. Acacia Research Group LLC.

2 A. I believe I've been involved since the
3 inception of both entities.

4 Q. What date are we talking about?

5 A. Without the books and records, I -- I can't
6 sit here today -- sitting here today, I can't tell you
7 the dates that they were formed.

8 Q. I'm not asking you the date they were formed.
9 I'm asking you the date that you were involved with
10 them -- yeah, what date were you involved with them?

11 MR. EDMONDS: Objection, form.

12 A. Well, I believe that I've been involved with
13 those two entities since -- since they were formed.

14 Q. (BY MR. SUTTON) That's what you said before,
15 so now I asked you for: When did you become involved
16 with those two entities?

17 A. I guess beginning on the date that they were
18 formed.

19 Q. Okay. So what is your knowledge that you
20 became involved with them?

21 MR. EDMONDS: You're just asking for his
22 personal knowledge, not as part of the notice?

23 MR. SUTTON: Of course. I mean he has
24 personal knowledge sitting here. Yes. The answer is
25 yes, of course I'm asking about his personal knowledge.

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1 MR. EDMONDS: Well, he was not noticed in
2 his individual capacity, Mr. Sutton. You need to
3 confine your questions to what's included in the 30(b)6
4 notice.

5 Q. (BY MR. SUTTON) I'm asking, Mr. Haynes, when
6 did you become involved with Acacia Research Group LLC
7 and with AdjustaCam LLC?

8 A. Are you looking for a date?

9 Q. Yes.

10 A. Okay. And I believe I testified earlier that
11 without the books and records, I can't tell you a date
12 when those entities were formed.

13 Q. I didn't ask you when they were formed. I
14 asked you when you became involved with them?

15 A. And I believe my testimony earlier was that
16 I've been involved with them since they were formed.

17 Q. I understand.

18 A. However --

19 Q. But now I'm asking you been when did you
20 become involved with them -- your own personal
21 knowledge as to when you started working for them or
22 becoming involved with them?

23 A. I do not know the date, sitting here today.

24 Q. Do you have an approximate date?

25 A. It's not one of the things I prepared to

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1 testify about today, and so sitting here today, I do
2 not know the date.

3 Q. Do you have an approximate year?

4 A. I don't want to speculate without looking at
5 the books and records.

6 Q. I'm not asking you to speculate. I'm asking
7 you if you have any personal knowledge of when you
8 became involved with the Acacia Research Group and
9 AdjustaCam?

10 MR. EDMONDS: Objection, form.

11 A. Yeah, without the books and records I do not
12 recall the dates that those two entities were formed.

13 Q. (BY MR. SUTTON) I didn't ask you for the
14 dates that they were formed. I asked you when you
15 started becoming involved with them and working for
16 them?

17 A. Without the books and records, I -- I do not
18 know when I first began to be involved with those two
19 entities except to say that I've been involved since
20 the inception of both of those entities.

21 Q. Were you involved with Acacia and AdjustaCam
22 since -- since prior to the filing of this lawsuit in
23 July 2010?

24 A. Yes, I've been involved since inception of
25 those two entities.

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1 Q. Why do you change my question? That's not
2 what I asked you.

3 A. That's --

4 MR. EDMONDS: That's not a question.

5 Q. (BY MR. SUTTON) I asked you a very specific
6 question. Were you involved with those entities at the
7 time of the filing of this lawsuit in July 2010?

8 A. Yes. Yes.

9 Q. And with regard to Acacia, how -- about how
10 long prior to that were you involved with Acacia?

11 MR. EDMONDS: Objection, form.

12 A. How long -- how long prior to what, sir?

13 Q. (BY MR. SUTTON) July 2010.

14 A. And what entity are you referring to when you
15 say "Acacia"?

16 Q. Acacia Research Group LLC.

17 A. I believe my previous testimony was that I do
18 not recall the date that it was formed. And so since I
19 don't know that date, I can't tell you how long.

20 In an effort to be helpful, I've been
21 involved with Acacia Research Group since inception,
22 but I do not know that date.

23 Q. Was it in 2010 or 2009?

24 A. I do not know the date.

25 Q. You have no idea what year it was that you

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1 became involved with Acacia Group Research (sic) LLC?

2 A. I don't want to speculate without the books
3 and records. And that's not one thing I prepared to be
4 able to testify about today.

5 Q. Well, on the topics today, topic number 22 is
6 all facts and circumstances relating to any financial
7 arrangements that AdjustaCam has with Acacia. Are
8 you -- did you prepare for that answer?

9 A. I believe so, yes.

10 Q. Okay. So when were the first financial
11 arrangements that you're aware of between AdjustaCam
12 and Acacia Research Group LLC?

13 A. Well, AdjustaCam LLC is a wholly owned
14 subsidiary of Acacia Research Group LLC.

15 Q. Is that the answer to the question?

16 A. I do not recall the date that AdjustaCam was
17 formed, sitting here today.

18 Q. Okay. Topic number 22 says -- I'll read it
19 again. All facts and circumstances relating to any
20 financial arrangements that AdjustaCam has with Acacia.
21 Did you review any records to answer that question?

22 A. Yes, I believe I did.

23 Q. What did you review?

24 A. Well, I'm sorry, let me clarify. I -- I
25 believe that I considered the topic, and based on the

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1 topic, I believe that I came prepared to discuss that
2 topic today.

3 Q. I asked you what did you review?

4 A. Well, I -- I wanted to clarify that I didn't
5 necessarily review a specific document.

6 Q. Did you review any documents in preparation of
7 that answer?

8 A. I don't believe I did.

9 Q. So you failed to prepare or review any
10 documents in response to topic number 22?

11 MR. EDMONDS: Objection, form.

12 A. I believe I prepared to come and testify with
13 respect to topic number 22.

14 Q. (BY MR. SUTTON) You cut out there. I'm
15 sorry?

16 A. I believe I prepared myself to be able to
17 testify on AdjustaCam's behalf with respect to item 22.

18 Q. Well, what did you review?

19 A. I believe that my testimony earlier was that I
20 didn't review any specific documents.

21 Q. Well, if you didn't review any specific
22 documents, how can you answer the topic number 22?

23 A. Well, I'm -- again, I am not an attorney and
24 I'm not well versed in these matters, but based upon
25 the topic as identified in the deposition notice, I

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1 considered the topic and I believe that I came prepared
2 today to discuss that topic.

3 Q. Okay. So the topic is, State all facts and
4 circumstances relating to any financial arrangements
5 that AdjustaCam has with Acacia. Are you prepared to
6 do that?

7 A. Yes, I believe so.

8 Q. What do you have to say in response to that?

9 MR. EDMONDS: Objection, form.

10 A. AdjustaCam LLC is a wholly owned subsidiary of
11 Acacia Research Group LLC.

12 Q. (BY MR. SUTTON) Well, the question has to do
13 with financial arrangements between the two, correct?

14 A. Correct.

15 Q. So do you have any information on that?

16 MR. EDMONDS: Objection form.

17 A. I believe the extent of the -- let me get the
18 term right. Oh, here it is. The extent of the
19 financial arrangement between AdjustaCam and Acacia
20 Research Group LLC is to state that Acacia -- that
21 AdjustaCam LLC is a wholly owned subsidiary of Acacia
22 Research Group LLC.

23 Q. That's your answer to that topic?

24 A. Correct.

25 Q. Pardon me?

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1 A. Correct.

2 Q. You have no further information in response to
3 that topic?

4 A. I believe that that response is responsive to
5 that topic. Is there -- I don't know if you have
6 additional questions about it, but --

7 Q. Well, it says all facts and circumstances, so
8 I'll ask you some specific questions.

9 What was the initial date of those
10 financial arrangements?

11 MR. EDMONDS: Objection, form.

12 A. Sitting here to today, I don't recall the date
13 that AdjustaCam was formed.

14 Q. (BY MR. SUTTON) Well, my question again was
15 not when it was formed. My question was, what was the
16 initial date of the financial arrangements between
17 AdjustaCam and Acacia?

18 A. Well, it's my understanding that the financial
19 arrangement between the two entities is simply that
20 AdjustaCam LLC is a wholly owned subsidiary of Acacia
21 Research Group LLC. And so with respect that belief, I
22 guess my thought is that the date would be a component
23 of that. And sitting here today, I just don't recall
24 the date that AdjustaCam LLC was formed.

25 Q. But I'm not asking you when it was formed.

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1 I'm asking you when was the date -- when was the
2 initial date of the financial arrangements between
3 those two companies?

4 A. I'm sorry, I -- I don't know how else to
5 explain it.

6 Q. Who was involved in the financial arrangements
7 between those two companies?

8 A. Well, you've got AdjustaCam LLC and Acacia
9 Research Group LLC. We spoke previously about certain
10 officers of AdjustaCam LLC.

11 Q. You identified yourself as the CFO of Acacia
12 Research Group LLC, correct?

13 A. I don't recall if that topic came up.

14 Q. I'm sorry, I misspoke. I think you identified
15 yourself earlier as the CFO of AdjustaCam LLC, correct?

16 A. Correct.

17 Q. And when did that start?

18 A. Upon formation of AdjustaCam LLC. ✓

19 Q. When did that start?

20 A. Upon formation of AdjustaCam LLC. ✓

21 Q. The question was, you've identified yourself
22 as the CFO of AdjustaCam LLC, correct?

23 A. Correct.

24 Q. When did you begin to hold that position?

25 A. Are you looking for a date? ✓

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1 Q. Yes.

2 A. Sitting here today, I just don't recall the
3 date AdjustaCam LLC was formed. But whenever that date
4 was, I was -- I became the CFO upon inception of
5 AdjustaCam LLC.

6 Q. So based on your own personal knowledge, you
7 are an officer of AdjustaCam LLC, correct?

8 A. That's also AdjustaCam's testimony as well.

9 Q. Yes. So you are an officer of AdjustaCam LLC,
10 correct? ✓

11 A. Correct.

12 Q. And what date did that position that you have
13 with AdjustaCam LLC start? ✓

14 A. Sitting here today, I do not recall a date
15 that AdjustaCam was formed. ✓

16 Q. And you don't know when you -- when you
17 assumed that position? You don't know the date of when
18 you assumed that position?

19 A. I --

20 Q. Of CFO of AdjustaCam LLC?

21 A. Correct. Sitting here today, I just don't
22 recall that date.

23 Q. What about approximation?

24 A. Without looking at the books and records, I --
25 I just don't know the date that AdjustaCam was formed.

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1 Q. Was it in -- do you know whether it was in
2 2009, 2010, or 2011?

3 A. Well, I believe that it -- again, in an effort
4 to be helpful, I believe that it would have been
5 sometime in the 2010 time frame.

6 Q. All right. And the 2010 time frame, the
7 lawsuit I'll represent to you was started in July 2010.

8 Were you in that position prior to July
9 2010 when the lawsuit started?

10 A. To the extent that AdjustaCam, you know,
11 obviously was in existence prior to the lawsuit being
12 filed, yes.

13 Q. I'm sorry?

14 A. Yes.

15 Q. And, as you just said, that's obvious that
16 AdjustaCam LLC was in existence when the -- well, let
17 me rephrase that question.

18 Do you know whether or not AdjustaCam LLC
19 was in existence at the time the complaint was filed in
20 July 2010?

21 A. I believe it was.

22 Q. And do you know how long prior to that it was
23 formed?

24 A. Sitting here today without looking at the
25 books and records, I do not know the date that

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1 AdjustaCam was formed. But I believe that it was
2 before the suit was filed. And, again, in an effort to
3 be helpful, I believe it was sometime in the 2010 time
4 frame. But to be sure, I would need to look at the
5 books and records to confirm.

6 Q. Do you know when outside counsel performed
7 their pre-filing investigation for this lawsuit?

8 A. Yes.

9 Q. When?

10 A. It's my understanding that that analysis was
11 conducted in the May and June 2010 time frame.

12 Q. And what's the basis for your understanding?

13 A. Basis for my understanding comes from my
14 preparation for today's deposition.

15 Q. Well, did you look at a document or did you
16 speak to someone to get that information?

17 A. I spoke with outside counsel.

18 Q. I'm sorry?

19 A. I spoke with outside counsel in connection
20 with my preparation for today's deposition.

21 Q. Was that the first time that you found out
22 that the pre-filing investigation was conducted in
23 those months prior to the lawsuit?

24 A. Again, I want to make sure I'm answering the
25 appropriate question. When you say "that," what are